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|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 10/712,462             | SOUTH, ROBERT J.    |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | Jennifer A. Boyd       | 1771                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/2/06.
2. ☒ The allowed claim(s) is/are 1, 4 - 12 and 15 - 17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                               |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>7/13/06</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                       |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                      |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Response to Applicant's Remarks***

1. The Applicant's Remarks and Affidavit filed under 37 CFR 1.132, filed May 2, 2006, have been entered and have been carefully considered. In view of Applicant's arguments that the June Tailor product which references U.S. Patent No. 6,261,397 cannot be applied as prior art and that Repp (US 6,261,397) does not teach the limitations of claim 2 requiring that the adhesive provides a tackiness at an elevated temperature sufficient to reattach a quilt cover to the fusible quilt batt, the Examiner withdraws the rejection of claim 2 over Repp (US 6,261,397) as evidenced by the packaging of "Quilter's Fusible Batting" as detailed in the previous Office Action.

### ***Examiner's Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Albert Metrailler on July 13, 2006.

The application has been amended as follows:

1.) (~~Previously Presented~~) (Currently Amended) A fusible quilt batt comprising:

a non-woven fibrous web selected to provide loft to a quilt; and a heat sealable and releasable thermoplastic adhesive in the web [[,]] and on at least one outer surface of the web, wherein the adhesive

binds the fibers of the web,

provides at an elevated temperature a tackiness sufficient to attach a quilt cover to the fusible quilt batt, ~~and~~

allows an attached quilt cover to be removed from the fusible quilt batt at room temperature~~[[.]], and~~

wherein after an attached quilt cover has been removed from the fusible quilt batt, the adhesive provides at an elevated temperature a tackiness sufficient to reattach a quilt cover to the fusible quilt batt.

2.) ~~(Previously Presented)~~ (Cancelled)

3.) ~~(Original)~~ (Cancelled)

9.) ~~(Previously Presented)~~ (Currently Amended) [[A]] The fusible quilt batt comprising: of claim 1,

~~a non-woven fibrous web selected to provide loft to a quilt; and~~

~~a thermoplastic adhesive disposed on a surface of the web, wherein the adhesive has~~  
having a first level of tackiness as manufactured allowing the fusible quilt batt to be folded onto itself and unfolded without damaging the fusible quilt batt.

13.) ~~(Previously Presented)~~ (Cancelled)

14.) ~~(Previously Presented)~~ (Cancelled)

18.) ~~(Original)~~ (Cancelled)

***Reasons for Allowance***


3. The following is an examiner's statement of reasons for allowance: the previously applied rejections as detailed in the Office Action dated January 3, 2006 have been overcome. Although Repp (US 6,261,397) is considered to be the most pertinent prior art, Repp fails to teach or suggest incorporating a heat sealable and releasable thermoplastic adhesive into a batt wherein the adhesive provides at an elevated temperature a tackiness sufficient to reattach a quilt cover to the fusible quilt batt. Repp teaches the use of "Sol-U-Web" as the adhesive which is water-soluble and not heat sealable and releasable. Furthermore, prior art does not teach the use of a heat sealable and releasable adhesive as claimed by Applicant in a textile application.

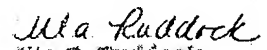
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jennifer Boyd  
July 14, 2006

  
W. C. Rudbeck  
Primary Examiner  
Tech Center 1700